

REMARKS

This Application has been carefully reviewed in light of the Final Action mailed November 25, 2005. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1, 16, and 101 stand rejected under 35 U.S.C. §102(b) as being anticipated by Boyle. Independent Claims 1, 16, and 101 recite in general an ability to allocate a first content portion and a second content portion among peers in a cache community in response to allowing a client to join the community. By contrast, the Boyle patent merely discloses the use of a group look-up table that can be distributed among clients in a group. The Boyle patent does not disclose a capability to allocate cache contents upon adding a new client to a community as provided by the claimed invention. Support for the above recitation can be found at page 44, lines 13-19, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 16, and 101 are not anticipated by the Boyle patent.

Claims 2-15 and 17-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Maggenti, et al. Independent Claim 1, from which Claims 2-15 depend, and Independent Claim 16, from which Claims 17-30 depend, have been shown above to be patentably distinct from the Boyle patent. Moreover, the Maggenti, et al. patent does not include any additional disclosure combinable with the Boyle patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 2-15 and 17-30 are patentably distinct over the proposed Boyle - Maggenti, et al. combination.

Claims 95-100 and 105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maggenti in view of Boyle. Applicant respectfully traverses this rejection.

The Maggenti, et al. patent is directed to a system and method for providing group communications services, otherwise known as point-to-multipoint communications or push-to-talk communications, in an existing communication system. The Boyle patent, on the other hand, is directed to a system and method for maintaining a shared cache look-up table in an information system network. There would be no motivation to combine the teachings of the Boyle patent with the teachings of Maggenti, et al. patent as the Maggenti, et al. patent does not involve caching or content requests. Instead, the Maggenti, et al. patent involves implementing a push-to-talk communications system where content is neither requested nor cached. The only mention of caching in the Maggenti, et al. patent is with respect to mappings between prior PTA announcements and media streams. As such, there is clearly no motivation to combine the Maggenti, et al. patent and the Boyle patent as proposed by the Examiner.

Even if there were a motivation to combine the Maggenti, et al. and Boyle patents as proposed by the Examiner, the proposed Maggenti, et al. - Boyle combination still fails to teach, suggest, or disclose each and every element of the claimed invention. Independent Claims 95, 98, and 105 recite in general an ability to receive content allocated from peers in the peer list in response to joining the selected one of the communities; and provide content for allocation to peers in the peer list in response to joining the selected one of the communities. By contrast, neither Boyle patent nor the Maggenti, et al. patent provide for content allocation upon joinder into a community as required in the claimed invention. Support for the above recitation can be found at page 44, lines 13-19, of Applicants specification. Therefore, Applicant respectfully submits that Claims 95-100 and 105 are

patentably distinct from the proposed Maggenti, et al. - Boyle combination.

This Response to Examiner's Final Action is necessary to address the grounds of rejection and interpretation of the cited art in support thereof. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now provided the current interpretation of the cited art in support of the claim rejections.

CONCLUSION

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.


If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", written over a horizontal line.

Charles S. Fish

Reg. No. 35,871

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